

NTSB Order No. EA-3865

Adopted by the NATIONAL TRANSPORTATION SAFETY BOARD
at its office in Washington, D.C.
on the 14th day of April, 1993

Docket SE-11335

solely to her ATP privileges.¹ We consider respondent's letter to be a motion for reconsideration or modification of Order EA-3779,² which, for the reasons stated below, we will dismiss.

The Board's Rules of Practice require that petitions for rehearing, reargument, reconsideration or modification of its orders be filed with the Board within 30 days of service of the order.³ As the Administrator has pointed out in his reply brief, respondent's motion was filed and served more than 30 days after the service of Order EA-3779. Consequently, that motion was not timely and it will not, therefore, be entertained.⁴

ACCORDINGLY, IT IS ORDERED THAT:

Respondent's motion for reconsideration or modification of Order EA-3779 is dismissed.

VOGT, Chairman, COUGHLIN, Vice Chairman, LAUBER, HART, and HAMMERSCHMIDT, Members of the Board, concurred in the above order.

¹In effect, respondent now asks the Board to order the Administrator to issue her a temporary commercial airman certificate for the 30-day period covered by the suspension. We must, however, point out that she never argued in connection with her appeal of the initial decision that the Administrator's 30-day suspension of all of her airman privileges was improper or that the law judge erred in sustaining that sanction.

²A reply brief opposing respondent's motion has been filed by the Administrator.

³49 C.F.R. § 821.50(b).

⁴Respondent's motion was not accompanied by a request for leave to have it accepted out of time. Under the Board's Rules of Practice, an extension of time for filing a petition for reconsideration may be obtained only on a showing of "extraordinary circumstances." 49 C.F.R. § 821.11.